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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANT(s): Slotte, et al.

SERIAL NO.: 09/412,897

ART UNIT: 2665

FILING DATE: 10/5/1999

EXAMINER: Tran, Thien
D.

TITLE: APPLICATIONS OF USER-TO-USER INFORMATION
TRANSFER BETWEEN TELECOMMUNICATION DEVICES

ATTORNEY

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ATTENTION: BOARD OF PATENT APPEALS AND INTERFERENCES

APPELLANTS' BRIEF

(37 C.F.R. §1.192)

This is an appeal from the final rejection of the claims in the above-identified application. A Notice of Appeal was mailed on March 24, 2004. This brief is being submitted in triplicate and the appendix of claims is attached hereto.

I. REAL PARTY IN INTEREST

The real party in interest in this Appeal is:

NOKIA MOBILE PHONES LTD.

II. RELATED APPEALS AND INTERFERENCES

There are no directly related appeals or interferences regarding this application.

III. STATUS OF CLAIMS

Claims 1-6 are pending in the application. Claims 1-6 have been finally rejected and are the claims on appeal.

IV. STATUS OF AMENDMENTS

No amendments have been filed in this application.

V. SUMMARY OF INVENTION

The present invention relates to the communication of information between telecommunication devices transparently through a network and concerns the applications of User-to-User Signalling ("UUS"). (page 1, lines 7-9).

In the embodiments of the present invention, an inner structure for an UUS message is present, and information elements within UUS messages are associated with the use of the contents of a received UUS message. (page 2, lines 34-36).

In one embodiment of the present invention, as shown for example in Fig. 3, a telecommunication device 300 is used for the transmission of signalling and payload information. The telecommunication device 300 comprises a transceiver unit 301, a unit for processing received payload information, a unit for processing payload information to be transmitted, and a control block 305. The transceiver 301 unit is arranged to direct information to be transmitted from the control block 305. A

signalling unit is arranged to compose a signalling message of a predetermined form that is transmitted in association with a payload information transmission connection. Within the signalling message the intended receiving part of the signaling message within another telecommunication device, of at least part of the signalling message, is indicated. (page 3, lines 14-24).

With reference to FIG. 1, in one embodiment a telephone connection is initiated between a transmitting telecommunication device 101 and a receiving telecommunication device 102. (page 4, line 31 to page 5, line 6). A signalling message is composed at the transmitting telecommunication device 101 in a predetermined form. (page 5, lines 7-10). The signalling message is intended to be transmitted in association with the telephone connection to the receiving telecommunication device 102. (page 5, lines 14-16).

The signalling message that is composed in the transmitting telecommunication device 101 identifies or indicates the intended receiving part, within the receiving telecommunication device 102, of the signalling message. For example, in one embodiment referring to FIG. 2, the CF fields of the signalling message are used to transmit the identification of the functional block in the receiving device 102 that is the intended destination of the signalling message. (page 6, lines 16-21). The transmitting side of the telecommunication device 101 is capable of taking a piece of information from the keyboard as inputted by the user, from the other parts of the control block 305 or from some other part of the terminal, and formatting it into a signalling or a UUS message to be

transmitted. In the process of formatting the signalling message, the transmitting side of the device 101 uses its knowledge about the appropriate codes for identifying a protocol, a coding scheme, and an intended receiving functional block or process in the receiving device 101 to which the signalling message is to be transmitted. In one embodiment, the codes for identifying a protocol, a coding scheme and an intended receiving functional block or process are most advantageously stored in the memory 307 as a look-up table 311. (page 8, lines 9-17). The signalling message is transmitted from the transmitting telecommunication device 101 to the receiving telecommunication device 103. The present invention utilizes the fields of the signalling message to identify, for example, the protocol of information being transmitted, a coding scheme and the intended receiving functional blocks or processes. (page 7, lines 1-5).

On the receiving side, the receiving telecommunication device or terminal 103 in FIG. 1, can identify from the signalling message the protocol and coding scheme used to create the signaling message. (page 8, lines 2-4). Th receiving side 103 can also identify, from the signalling message, **the functional block or process within the receiving side 103** that is the intended recipient of the data part of the signalling message. (page 8, lines 4-7). The terminal 103, using the destination information within the signalling message, directs the data part of the received signalling message to the correct functional block or process within the terminal or receiving side 103 (page 8, lines 7-10).

VI. ISSUE

Whether claims 1-6 are anticipated by Chung et al. ("Chung"), U.S. Patent No. 6,359,871, under 35 U.S.C. §102(e).

VII. GROUPING OF CLAIMS

The claims do not stand or fall together and are grouped as follows:

Group 1 - Claim 1

Group 2 - Claim 2

Group 3 - Claim 3

Group 4 - Claim 4

Group 5 - Claims 5 and 6

In accordance with 37 C.F.R. §1.192(c)(7), an explanation of why the claims of the groups are believed to be separately patentable is contained in the Argument section below.

VIII. ARGUMENT

Claim 1 is not anticipated by Chung because Chung does not disclose or suggest each and every feature of Applicant's invention as recited in claim 1. In order to establish a *prima facie* case of anticipation under 35 U.S.C. §102, each and every feature of the claim must be recited in the reference.

For example, Chung does not disclose or suggest "complementing a telephone connection with additional information" as is recited in claim 1.

Chung refers to a frame structure used in wireline communications between the base stations and network controller. (Col. 8, lines 35-50 and Col. 9, lines 24-45). A wireline connection through intermediate devices like base stations and RNCs is not a telephone connection as is claimed by Applicants.

Chung describes a special purpose cellular radio system used in mines. The system employs time division multiplexing in the backbone network that connects the base stations to each other. Chung is not at all related to Applicants' invention and the passages referred to by the Examiner do not disclose or suggest Applicants' invention. Namely Col. 8, lines 35-50 only concerns the existence of base station specific signaling time slots in the frame structure. Col. 9, lines 25-45 only concerns the organization into fields of a normal communication time slot.

In the Advisory Action (Paper No. 9), the Examiner states that Chung discloses a method for a portable phone call initiation for connection, referring to Col. 9, lines 38-39, and that this equates to complementing a telephone connection as claimed by Applicant. However, it is respectfully submitted that this interpretation is not correct. Claim 1 requires the method to be applicable to complementing a telephone connection with additional information. Chung does not disclose complementing a telephone connection with additional information. Rather, Chung discloses setting up a telephone connection, with absolutely no such thing as complementary additional information involved. For example in column 20, lines 15-30, referred to by the Examiner in Paper No. 7, Chung discloses a call setup sequence in which the initiating portable sends a call setup request message in which it announces its own identification and the

identification of the called party. This is not the "additional information" claimed by Applicants that would complement a telephone connection. In Chung the call set-up describes principal basic elements of the mere process of setting up a call. The network must know who is calling whom in order to set up the call. This is not the "additional information" as is described and claimed by Applicants.

In Col. 9, lines 38-39, all that Chung describes is a "1 byte status field which contains status information during call initiation." This is not the same as complementing a telephone connection as claimed and described by Applicants. All Chung discloses are the elements to set up the call. The status field is used only during call initiation and call termination to indicate call status. (Col. 9, lines 60-67). Thus, this feature of claim 1 is not anticipated.

Chung also does not disclose or suggest composing, at the transmitting telecommunication device, a signaling message of predetermined form to be transmitted in association with the telephone connection as recited in claim 1. In Applicants' invention, the signaling message has a logical link with the telephone connection. The signaling message is related to that telephone connection and not to any other connection. The signaling message carries information that adds value to that particular telephone connection. These features are not disclosed or suggested by Chung.

Claim 1 further requires the transmitting telecommunications device to compose "a signalling message" to be transmitted in association with the telephone connection, "said signalling

message containing the additional information." Chung's call setup request message is not transmitted in association with a telephone connection. Rather, it is transmitted in order to **set up a telephone connection.**

Further, since Chung does not disclose any additional information that would complement a telephone connection, it is impossible to think that Chung would somehow disclose placing such additional information into a signalling message to be transmitted in association with the telephone connection.

The Examiner refers to the signalling messages mentioned in column 8, lines 35-50 and column 9, lines 25-45 of Chung. However, Applicants respectfully point out that these are signalling messages between the fixed network elements, and do not contain any additional information to be used to complement a telephone call as is described and claimed by Applicants.

Col. 9, lines 28-45 and Col. 11, lines 10-15, referred to by the Examiner in Paper No. 9, as disclosing this feature, merely discusses the organization of fields in a normal communication time slot, such as a TDMA framing specification. (Col. 8, line 8). Thus, this feature of claim 1 is also not disclosed or suggested by Chung.

Claim 1 goes on to recite indicating, **within the signaling message,** the intended receiving part **within the receiving telecommunication device** of at least part of the signaling message. This is not disclosed or suggested by Chung. Perhaps the Examiner is misconstruing the receiving portable terminal of Chung as the receiving telecommunication device. However, this is not the case. Applicants have very carefully used the term

"within" to indicate that when the signaling message arrives at its intended receiving device, there is, as a true part of that device, some part that is an intended receiving part of at least some of the information contained in the signaling message. Indicating the intended receiving base station or indicating the called portable terminal, as in Chung, merely indicates an intended receiving telecommunications device, and does not indicate an intended receiving part within such a receiving device.

Chung, in Col. 11, lines 10-13, referred to by the Examiner in Paper No. 9, merely indicates that the control field includes an address field that "contains the address of the portable station which is either the source or destination of the channel data." A key to note here is that Chung states that the address can be the source or destination address of the portable station. In Applicant's invention, the signalling message identifies the intended receiving part within the receiving telecommunication device. Chung does not disclose or suggest identifying a receiving part within the "portable station". Thus, this feature of claim 1 cannot be anticipated by Chung.

Since each feature of Applicant's invention as recited in claim 1 is not disclosed or suggested by Chung, claim 1 is not anticipated under 35 U.S.C. §102(e).

Claim 2 recites "indicating, within said signalling message, a certain protocol used in the creation of said signalling message." This is neither disclosed nor suggested by Chung.

Chung only discloses that a certain protocol (CAI) is used, not that there would indication of a certain protocol "within said

signalling message" as claimed by Applicants. Chung merely describes the Common Air Interface (CAI) protocols in detail, (Col. 7, line 39), and how channel allocation for the CAI is carried out using a combination of TDMA and time division duplex (TDD). (Col. 7, lines 49-52). In Applicants' invention, the information related to the actual protocol of the information being transmitted is included in the message. (see e.g. page 5, line 19 to page 6, line 10 of the specification). This is quite different from describing a "framing structure" used in the invention of Chung. (Col. 7, line 62 to Co. 8, line 32). Col. 11, lines 25-30, referred to by the Examiner in Paper No. 9, refers to the "call identification fields" and indicates that this field is "similar to that of the network protocol." This does not disclose or suggest the features of claim 2 because Chung makes no reference to including, within the framing structure, information related to the protocol used in creating the signalling message. Thus, Chung cannot anticipate claim 2.

Claim 3 recites "indicating, within said signalling message, a certain coding scheme used in the creation of said message." This is not disclosed or suggested by Chung.

Chung only describes different coding schemes, not that there is any indication of a certain coding scheme "within said signalling message" as claimed by Applicants. The message identification field of Chung is used to encode the actual message being sent. (Col. 8, line 46-67). It does not identify a "coding scheme" used in creation of the signalling message. In Col. 9, lines 10-30, all that is disclosed is the structure of the control field used in Chung. The control field does not identify the "coding scheme used in the creation of said

signalling message" as claimed by Applicants. Col. 11, lines 5-10, of Chung referred to by the Examiner in Paper No. 9, describes the control field of an airlink channel. It includes a message identification code to identify a type of message in the channel and a call identification field to allow the base station to associate incoming and outgoing channels with specific calls. (Col. 11, lines 5-10). However, neither of these fields indicate a "coding scheme used in the creation of" the signalling message. Thus, claim 3 is not anticipated.

Claim 4 recites "composing said signalling message from a number of header fields and a data field and indicating, within said signalling message, the combined length of said header fields."

Chung does not disclose or suggest anything about a combined length of the header fields, let alone that there would be an indication of a combined length of the header fields "within said signalling message" as claimed by Applicants. Col. 9, lines 14-15, referred to by the Examiner in Paper No. 9, merely states that the control field conveys critical information such as message codes, base station and portable station addresses, and other important control information depending on the backbone network message which is being transferred." Nothing here discloses or suggests composing the signalling message from a number of header fields and a data field and indicating within the signalling message, the combined length of the header fields. Thus, claim 4 cannot be anticipated.

Claim 5 is directed to a telecommunication device for the transmission of signalling and payload information. The signalling unit is arranged to compose a signalling message of a predetermined form and to indicate within the signalling

message, the intended receiving part within another telecommunication device of at least part of the signaling message. This is not disclosed or suggested by Chung as described with respect to claim 1. The term "within", as used in claim 5, indicates that when the signaling message arrives at its intended receiving device, there is some part that is an intended receiving part of at least some of the information contained in the signaling message. Chung, in Col. 11, lines 10-13, referred to by the Examiner in Paper No. 9, merely indicates that the control field includes an address field that "contains the address of the portable station which is either the source or destination of the channel data." A key to note here is that Chung states that the address can be the source or destination address of the portable station. In Applicant's invention, the signalling message identifies the intended receiving part within the receiving telecommunication device. Chung does not disclose or suggest identifying a receiving part within the "portable station". Thus, claim 5 cannot be anticipated by Chung under 35 U.S.C. §102(e).

Claim 6 recites that the "signalling unit is additionally arranged to receive a signalling message from another telecommunication device in association with a payload information transmission connection, and to direct at least part of the received signalling message to a certain functional block within the telecommunication device according to an indication contained in the received signaling message." This is not disclosed or suggested by Chung.

The Examiner states in Paper No. 5 that Chung discloses (Fig. 3) a signalling unit with certain properties. This is not true.

Fig.3 does not depict a device at all, but instead a structure of a protocol. As mentioned in the disclosure of the invention, UUI is subscriber generated information (page 1, line 17), which is carried through the network transparently so that the system does not interpret or act upon UUI at all. So UUI is not an active part of call set-up, addressing, etc. but instead it is a "free rider" on signals. This detail does not directly appear in the claims, but is a general characterisation of the invention and serves well to indicate how the concepts recited in the claims are impossible to interpret so that they would read on any part of Chung.

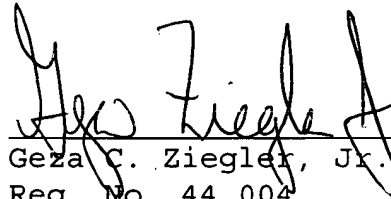
Col. 15, line 50 to Col. 16, line 15 referred to by the Examiner in Paper No. 9, does not disclose or suggest the elements of claim 6. These portions of Chung discuss information bits for voice transmission (Col. 15, lines 57-63) and generating various tones needed. (Col. 16, lines 7-9). This however, is not the same as receiving a "signalling message from another telecommunication device is association with a payload information transmission connection" and directing "at least part of the received signalling message to a certain functional block within the telecommunication device according to an indication contained in the received signaling message. Therefore, claim 6 is not anticipated by Chung.

IX. CONCLUSION

For the foregoing reasons, claims 1-6 are not anticipated by Chung under 35 U.S.C. §102(e). It is respectfully requested that the rejection of claims 1-6 be reversed and the application proceed to allowance.

A check in the amount of \$330 is enclosed herewith for the appeal brief fee. The Commissioner is hereby authorized to charge payment for any additional fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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X. APPENDIX OF CLAIMS

The text of each claim involved in the appeal is as follows:

1. A method for complementing a telephone connection with additional information, comprising the steps of

initiating the telephone connection between a transmitting telecommunication device and a receiving telecommunication device,

composing, at said transmitting telecommunication device, a signalling message of predetermined form to be transmitted in association with the telephone connection, said signalling message containing the additional information,

indicating, within said signalling message, the intended receiving part within said receiving telecommunication device of at least part of said signalling message and

transmitting said signalling message from said transmitting telecommunication device to said receiving telecommunication device.

2. A method according to claim 1, additionally comprising the step of indicating, within said signalling message, a certain protocol used in the creation of said signalling message.

3. A method according to claim 1, additionally comprising the step of indicating, within said signalling message, a certain coding scheme used in the creation of said signalling message.

4. A method according to claim 1, additionally comprising the steps of

composing said signalling message from a number of header fields and a data field and

indicating, within said signalling message, the combined length of said header fields.

5. A telecommunication device for the transmission of signalling and payload information, comprising

a transceiver unit,

a unit for processing received payload information,

a unit for processing payload information to be transmitted,

a control block, and

a signalling unit;

of which said transceiver unit is arranged to direct received signalling information to the control block and to take signalling information to be transmitted from the control block, and said signalling unit is arranged to compose a

signalling message of predetermined form to be transmitted in association with a payload information transmission connection, and to indicate, within said signalling message, the intended receiving part within another telecommunication device of at least part of said signalling message.

6. A telecommunication device according to claim 5, wherein said signalling unit is additionally arranged to receive a signalling message from another telecommunication device in association with a payload information transmission connection, and to direct at least part of the received signalling message to a certain functional block within the telecommunication device according to an indication contained in the received signalling message.